

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID ALOANSO ZUNIGA,

Defendant.

CR 20–115–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered his Findings and Recommendation November 24, 2020. (Doc. 30.) As neither party objected, they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that the Court accept Defendant David Aloanso Zuniga’s guilty plea. Zuniga appeared before Judge Cavan pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to Count IV of the Indictment, which charges possession of a stolen firearm, in violation of 18 U.S.C. § 922(j). (*See Sealed Doc. 1.*)

Finding no clear error, IT IS ORDERED that the Court ADOPTS the Findings and Recommendation (Doc. 30) IN FULL.

IT IS FURTHER ORDERED that David Aloanso Zuniga's motion to change plea (Doc. 22) is GRANTED, and David Aloanso Zuniga is adjudged guilty as charged in Count IV of the Indictment.

DATED this 9th day of December, 2020.



Dana L. Christensen, District Judge
United States District Court